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Security Council

Fifty-eighth year

Provisional

4699th meeting

Friday, 31 January 2003, 11 a.m.

New York

President:	Mr. De La Sablière	(France)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Belinga-Eboutou
	Chile	Mr. Valdés
	China	Mr. Zhang Yishan
	Germany	Mr. Pleuger
	Guinea	Mr. Traoré
	Mexico	Mr. Pujalte
	Pakistan	Mr. Akram
	Russian Federation	Mr. Lavrov
	Spain	Mr. Arias
	Syrian Arab Republic	Mr. Wehbe
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Negroponte

Agenda

The situation in Afghanistan.

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03-23199 (E)

The meeting was called to order at 11.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Afghanistan

The President (*spoke in French*): I should like to inform the Council that I have received a letter from the representative of Afghanistan in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Farhadi (Afghanistan) took a seat at the Council table.

The President (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Lakhdar Brahimi, Special Representative of the Secretary-General for Afghanistan.

It is so decided.

I invite Mr. Brahimi to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Lakhdar Brahimi, Special Representative of the Secretary-General for Afghanistan. I now give him the floor.

Mr. Brahimi (*spoke in French*): Mr. President, it is a great honour for me to be present here once again to report to the Council concerning the situation in Afghanistan, and it is a privilege for me to take the floor under your presidency. Allow me, on this last day of your presidency, to convey to you my congratulations and admiration for the work that you have carried out during this month, the first in a year that is likely to be quite a difficult and complex one.

(*spoke in English*)

As we look back on the first year of the Bonn peace process it is clear that Afghanistan has made progress on many fronts. Major political milestones were reached on time, including the holding of the Emergency Loya Jirga and the establishment of the current Transitional Administration under President Hamid Karzai's leadership.

The Government developed a comprehensive budget through inter-ministerial planning, and successfully launched a new currency that is helping it to reassert control over the country's fiscal regime. The Commissions called for under Bonn were all formed and have begun in earnest to tackle the formidable tasks that face them in the fields of human rights, constitutional and judicial reform and the reorganization of the civil service. The year 2002 also saw the return of over 1.5 million refugees from neighbouring countries and more than 500,000 internally displaced persons to their homes, as well as the return of three million children to school.

However, the peace process in Afghanistan will need to progress much further before we can safely say that it is irreversible. The challenge in 2002 was to shore up the fragile foundations of peace. In 2003 Afghanistan will have to strengthen and rebuild the foundations of the State, address the political and security uncertainties and meet the rising expectations of its people.

To that end, President Karzai has been discussing with us and other partners the need for the Government to articulate, and the international community to support, a clear plan of action setting out the main goals for 2003. Broadly, there are three main areas to focus on: first, solidifying the key institutions of the State; secondly, pursuing national reconciliation; and thirdly, showing tangible results on reconstruction projects throughout the country.

With respect to the institutions of State, progress must be made on building the army and training and reform of the police. The drafting and ratification of the new constitution this year will also be a fundamental State-building exercise. Secondly, with respect to national reconciliation, the political base supporting the peace process must be broadened.

Currently, too many Afghans feel excluded from the Government and the political transformation which Afghanistan is undergoing. The door should be open to those who wish to participate in good faith, rather than leaving them outside the fold, where they would have a growing incentive to join the ranks of those who wish to undermine the peace process. Thirdly, with respect to reconstruction, Afghans must be presented with clearly identified projects that can build the economy and increase confidence in the Government. These projects must be implemented.

We continue to hear worrying reports that support for the remnants of the Taliban may be growing in some parts of Afghanistan. These reports remind us that the peace process is far from secure. Still, I believe that if real progress is made on the objectives I have just outlined for 2003, there is every reason to hope that the peace process will, in time, become irreversible. To achieve this, Afghanistan will need to count on the continuing financial and political commitment of the international community.

Let me now narrow the perspective to provide the Council with an update on the specific events in Afghanistan since the briefing it received last December.

Over the last month, the security situation in Afghanistan has been relatively calm in the sense that there has been no outbreak of major, sustained fighting. However, security incidents continue to occur as a result of inter-factional tension and sporadic terrorist activity.

Today, in Kandahar, a bus carrying 16 passengers detonated an explosive device as it approached a bridge to the southwest of the city. Investigations are still ongoing, but we already know that unfortunately 12 people have been reported killed. Across the country, tensions between factions continue. In the west, fighting broke out recently in the province of Badghis, where the authority of Ismael Khan is being challenged by the Governor, Gul Muhammad. In the eastern province of Nargarhar, resistance by farmers to the ongoing campaign to eradicate poppy crops has also led to tensions. On 26 January, a police vehicle escorting a convoy of the Office of the United Nations High Commissioner for Refugees west of Jalalabad came under fire and one Afghan policeman was reportedly killed. While the motivation for the attack is still to be determined, it appears that the guards following the convoy may also have been targeted as a result of tensions emanating from the poppy eradication campaign. More positively, in the south, tensions that arose from a dispute between the Kandahar governor and police chief have been reduced through mediation and an agreement on the division of security responsibilities.

Also positive, in the north, is that the formal commitment signed by General Dostum and General Atta in May of last year has contributed to reducing conflict generally in the last few weeks, although fighting has occurred in Faryab and Dar-i-Souf. With the assistance of the United Nations Assistance Mission in Afghanistan (UNAMA), Generals Dostum and Atta have agreed to hold more regular meetings between their factions in order to resolve armed conflicts and reduce tensions.

In addition, last year's presidential decree dismissing corrupt or unfit civil servants led to the removal of two senior intelligence staff from the rival Jumbesh and Jamiat parties in the north. Efforts are under way to take advantage of this change, which may allow for the two groups' intelligence units to be combined, thus promoting security cooperation between them.

Unfortunately, the high rate of criminal activity by armed groups in and around Mazar-i-Sharif continues. The six-hundred-strong local police force, which is chronically under-resourced and internally divided, has been unable to deal with the upsurge in crime. The limitations of the police in Mazar-i-Sharif are indicative of the limitations faced by the police in all parts of Afghanistan. This underscores the importance of the national police training and reform programme, currently led by Germany.

Attacks against the United States-led coalition forces have also continued over the reporting period, including in Kabul, where two United States plain-clothes soldiers and their interpreter were injured on 17 December. A number of tragic incidents occurred in the following week, among them the attack on the front gate of an International Security and Assistance Force (ISAF) base in Kabul, which killed two Afghans and injured two foreign aid workers. There was also the crash of an ISAF German helicopter due to mechanical failure, which killed all seven personnel on board. In the same week, there was a series of unexplained explosions in Jalalabad. And just the day before

yesterday, a United States helicopter crashed near Bagram, where, again, all four passengers died.

Ultimately, as this Council has repeatedly stated, responsibility for assuring security in Afghanistan remains with the Afghans themselves. The Afghan Transitional Administration has continued to implement its very challenging agenda for security sector reform. The presidential decree of 1 December establishing a national army also set an agenda for the collection of arms, the reintegration of former combatants and the reform of the Ministry of Defence. Implementation of the 1 December decree was furthered on 11 January by the establishment of sub-commissions for the recruitment of the new army and for the demobilization and disarmament of former combatants.

The foundations of the new army are being laid. The United States and France, which are providing training for the new army, estimate that by the end of this year approximately 7,000 soldiers will have completed the basic training course. Already, some new army units have been deployed for short periods outside Kabul. In December, a company of the Third Battalion was deployed to Urgun, in the Paktika province, where it conducted patrols. Such deployments could both increase the confidence of the newly trained battalions, as well as demonstrate to Afghans that the new army is professional and competent and serves the interests of the nation as a whole. The army-building project is fundamental to security and therefore to the entire peace process, and I urge the international community to continue to support it.

The effective demobilization of former combatants is just as important as the training of new soldiers. The Japanese Government has committed significant funding to the Afghan New Beginnings Programme. The programme aims to register soldiers and, through a series of benefits and training packages, to assist them to return to civilian life so that they are contributors to their communities, rather than a burden upon them. The details for the implementation of the programme are the subject of ongoing discussions between the demobilization and reintegration commission, UNAMA and the Japanese Government.

Clearly, this reform agenda represents a heavy work programme for the Ministry of Defence in a number of areas that are crucial for the advancement of the Bonn process. This underscores the importance of reforming the Ministry, as called for by the December presidential decree. The Ministry of Defence, just like the army it commands, should be seen as a national body rather than as an institution favouring any faction or region.

With respect to the police, a new Minister of the Interior, Ali Ahmad Jalali, has just been appointed by President Karzai with a view to furthering the reform of the Ministry and the police. A new structure for the Ministry of the Interior is being worked out between the Government and the German police project. The German-led national police training project is providing training for some 1,450 police officers, and I am pleased to note that of those trainees some 29 are females. However, the Government continues to face difficulties paying the salaries of the police, and that, of course, can be a contributing factor to police corruption and poor discipline. Therefore, funding the trust fund specifically established for police salaries continues to be vital.

One of the greatest challenges facing the Afghan Transitional Administration in the coming year will be the reform of the justice sector. Italy, the lead nation in support of this sector, hosted a conference in December that I was privileged to attend, along with President Karzai, senior Afghan officials, members of the Afghan Judicial Commission and representatives from donor countries. The conference confirmed that the primary responsibility for reforming the justice sector lay with the Judicial Commission. Donors at the conference pledged some 29 million euros over several years to support the Commission and its reform process.

The Judicial Commission's draft plan for legislative and constitutional reform and the rebuilding of the judicial system is currently being finalized in consultation with Italy, the United Nations and its agencies and donors. The plan will provide a single unified framework for donor assistance to the justice sector. There is already agreement to establish a judicial training centre and to rehabilitate the Kabul High Court.

For some time to come, progress in establishing the rule of law will continue to be significantly constrained by the depleted pool of experienced lawyers and the limited capacity of the penal system. The latter in particular deserves attention. It is clear

that a humane and well-functioning penal system is absolutely integral to the functioning and credibility of the justice sector. While all donors have recognized this, none has so far committed any funding.

I would now like to turn to the constitutional and electoral processes. On 27 January, the Constitutional Drafting Commission, together with UNAMA and the United Nations and the United Nations Development Programme (UNDP), met with donors and interested Member States represented in Kabul to discuss the constitutional process. According to the current timetable, the Constitutional Drafting Commission will finalize a preliminary draft by March. This draft will be reviewed by the full Constitutional Commission, whose 30 or so members are currently being selected. From April through early June, the Constitutional Commission is to conduct country-wide public consultations to discern the public's views on key constitutional issues. Taking into account the results of the public consultations, the Commissioners will finalize a draft by late August. The final step will be the convening of a loya jirga, we hope in October, to review and adopt the Constitution.

As for the elections scheduled to take place in June 2004, as called for by the Bonn Agreement, these will also be a very important step towards restoring accountable and legitimate Government in Afghanistan. This presents a tight but still manageable timetable. President Karzai is well aware of the urgency of certain key tasks ahead. These include the establishment of an electoral commission and the drafting of a "one-off" law to govern the 2004 elections. This law would provide the basis upon which to begin preparations for the elections before the Constitution is finalized, in the understanding that all subsequent elections will be governed by the relevant provisions of the new Constitution.

UNAMA has been working closely with President Karzai and his Government to advance as far as is feasible on these issues. For its part, UNAMA, assisted by the Department of Political Affairs' Electoral Assistance Division here in New York, is in the process of assembling an electoral team in Kabul to assist the Afghan Government on electoral matters and to help build electoral capacity inside that Government.

The Afghan Independent Human Rights Commission has steadily been implementing its work programme with the support of UNAMA, the Office of the High Commissioner for Human Rights and the United Nations Development Programme. This programme covers capacity-building in the fields of investigations and monitoring, human rights education, promotion of the rights of women, and transitional justice. Since last month's briefing, the Commission has begun to establish satellite offices in seven provinces. It has also been working to identify human rights concepts and principles that should be reflected in the new Constitution.

The Commission has so far received more than 600 complaints and petitions from individuals and groups. Priority areas continue to be cases of intimidation and violence against political party and civil society activists by regional and local commanders. There are also worrying cases of police and intelligence officers being used to target those opposed to political leaders or regional faction leaders. The use of the State apparatus for factional ends is, of course, a cause for great concern. To address this, the reform of the national intelligence services will be a high priority for the current year.

UNAMA and the Office of the High Commissioner for Human Rights are facilitating the provision of technical assistance and, in particular, the recruitment of three technical advisers for the Commission. The Commissioners have, in addition, participated in numerous joint investigations with UNAMA and are preparing to take part, along with the Attorney General and the Ministry of the Interior, in a major investigation of conditions in prisons around the country.

As the Council may recall, a commission of inquiry was established by President Karzai to investigate the November 2002 demonstrations at Kabul University that left two students killed and 15 injured. The commission concluded that wide-scale corruption was a major contributor to the miserable living conditions at the students' dormitories. These conditions, in turn, had apparently triggered the demonstrations. The commission also concluded that some leaders of the demonstrations may have had links to Al Qaeda, though it did not provide any evidence of these links. As a result of the investigation, four officials from the Ministry of Higher Education and one National Security Directorate officer were arrested on charges of corruption, while five police officers, including a general, were arrested on charges of using excessive force against the demonstrators.

Ongoing investigations by UNAMA's human rights office have confirmed an increase in the incidence of ethnic conflicts related to land disputes. Our human rights officers have sought to engage with provincial authorities in mediating land disputes between Uzbek and Turkmen communities in the Kunduz area and helping to establish land-dispute settlement mechanisms. The Return Commission in the North, on which the Council was previously briefed, has completed visits to over 100 villages in northern provinces to help address problems related to the return of displaced persons.

The poor human rights situation in Herat has recently been highlighted by two reports released by Human Rights Watch. These reports provoked sharp and negative reactions by Herat's Governor, Ismael Khan. In order to help identify specific problems that need to be addressed, UNAMA initiated a dialogue on human rights with representatives of Ismael Khan. The first meeting, in which the Afghan Independent Human Rights Commission also participated, took place on 9 January. Despite this dialogue and its emphasis on the need to respect women's rights, Herat authorities have announced a ban on co-education. The impact that separate education will have on girls and women has yet to be seen, but in rural areas, where there are few female teachers, the effect may be more negative. Clearly, however, the human rights climate in which it was enacted gives cause for concern and UNAMA will continue to monitor the implementation of the ban and promote the education of women in Herat and elsewhere.

It is important to note that the human rights problems occurring in Herat are also happening elsewhere in Afghanistan. Human rights abuses are so endemic, after decades of war and State collapse, that real change in the human rights situation will require systemic reform.

I would like to address briefly issues relating to relief, recovery and reconstruction. The United Nations Transitional Assistance Programme for Afghanistan (TAPA) was launched in Oslo last December during the final meeting of the Afghan Support Group. TAPA reflects an agreement between the Transitional Administration and the United Nations assistance agencies on United Nations programmes and their linkage to national priorities identified by the Afghan Government itself. TAPA aims to ameliorate underlying causes of humanitarian needs and to lay the foundation for rehabilitation, reconstruction and long-term development. Noteworthy aims of TAPA include the Mine Action Programme's new target to clear high-impact areas contaminated with mines and unexploded ordnance within five years, as well as preparations for the national census. I strongly encourage donors to follow up on the initial positive response to TAPA that they demonstrated in Oslo, where firm commitments were made against the $815 million required.

One of the highest priorities in assistance this year will be to support the communities likely to bear the impact of the additional 1.2 million refugees who we expect will return in 2003. Encouraging progress has already been made this year in creating labour-intensive programmes and in developing the national emergency employment programme. The latter is anticipated to generate millions of workdays and to assist in reviving local economies. In selected provinces, a preparatory employment project is already ongoing with oversight from the ministries, supported by the United Nations Office for Project Services (UNOPS).

As the Council knows, the Afghan Government, UNAMA and other partners have been working hard to prepare for the difficult problems of winter. So far, the winter in Afghanistan has not been as harsh as had been feared. The Ministry of Rural Rehabilitation and Development is leading in the winter response effort and continues to make progress in planning and coordinating assistance for those affected. Food commodities as well as non-food and shelter items have been dispatched where needed throughout the country, and distributions to beneficiaries are scheduled to continue during February. The United Nations Joint Logistics Cell and UNOPS are working closely together to help ensure that critical roads remain open.

Drug production and trafficking in Afghanistan remain a critical concern. According to the 2002 Opium Survey of the United Nations Office on Drugs and Crime, after several years of reduced production, significant poppy cultivation resumed in 2002. Much of that is driven by poverty and economic necessity. However, other aspects of the drug economy — such as the refining and transportation of drug products — are driven less by poverty than by the opportunity for massive and illicit profits. In the past in Afghanistan, such profits have been used to nurture a war economy. During this transitional period, it is crucial that such an

economy not be allowed to regain its former proportions.

President Karzai is well aware of these dangers. As a sign of his determination to avoid them, the Transitional Administration recently launched a poppy eradication programme in conjunction with the governors of the five main drug-producing provinces. It is too early to say how effective that campaign will be. At the same time, it is clear that the provision of alternative livelihoods in drug- producing areas is urgently needed for the eradication programme to be sustainable over the long term.

As I said at the outset, the progress made over the past year in implementing the peace process has been remarkable, but now is not the time for complacency. This year's agenda is every bit as challenging as last year's was, if not more so. I am optimistic that the progress made to date can be capitalized upon and that the challenges ahead can be met. But that will require the continued commitment of the people of Afghanistan to the process, together with the sustained engagement of the international community.

While the international community faces a number of new challenges, the challenges in Afghanistan have not yet been overcome. Afghans are closely watching developments elsewhere with some sense of fear that they may once again be forgotten. They do not clamour for international assistance for its own sake, but they understand too well how vulnerable they still are to forces that, if unchecked, may consume them again and undo the significant progress that has been made in the past year.

The President (*spoke in French*): I thank Mr. Brahimi for the kind words that he addressed to me.

In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 12 noon.